



City of Carmel

CARMEL PLAN COMMISSION

June 22, 2004

Minutes

The Carmel Plan Commission met at 7:00 PM in the Council Chambers of City Hall, Carmel, Indiana on Tuesday, June 22, 2004. The meeting opened with the Pledge of Allegiance.

Members in attendance: Stephanie Blackman; Jerry Chomanczuk; Dan Dutcher (late arrival) Leo Dierckman; Dianna Knoll; Mark Rattermann; Rick Ripma; Madeleine Torres; Susan Westermeier, thereby establishing a quorum.

The Department of Community Services was represented by Jon Dobosiewicz and Angie Butler.

The minutes of the May 18, 2004 meeting were approved as submitted.

F. Legal Counsel Report, John Molitor. A "No-Action Agreement" is in the works for the proposed rezone of the Earlham College property located near the intersection of 146th Street and River Road. The proposed Agreement would postpone any hearing by the Commission until the month of September. Mr. Molitor will continue to up-date the Commission on the progress of the Agreement.

G. Reports, Announcements, & Department Concerns, Jon Dobosiewicz. The Clarian North Hospital Expansion, Docket No. 04040042, has been requested for Tabling by the Petitioner to probably August. (July is doubtful)

H. Public Hearings:

1h. Docket No. 04040038 SP - The Gray Estate, Lot 1

The applicant seeks to plat 1 residential lot. The site is located southeast of E. 131st St. and Gray Rd. The site is zoned S-1/Residence - Low Density.
Filed by Dennis Singer of Cripe Associates.

Dennis Singer, land surveyor with Paul I. Cripe, Inc., 7172 Graham Road, Indianapolis 46250 appeared before the Commission representing the applicant. Ron Ferrand, Carmel Schools was also in attendance.

The petitioner would like to plat a one-lot subdivision in conjunction of a proposed sale of 2.1 acres of their total 5.4 acre-tract to the Carmel Clay Schools. The sale would leave a balance of acreage less than the required metes and bounds property, and the petitioner would like to plat the property

into one lot. The entire frontage would be dedicated for additional right-of-way on 131st Street.

The proposed platting maintains the suburban atmosphere of the property and is also beneficial to the community due to the sale opportunity for the Carmel Schools to expand in this vicinity. There is little to no impact for public utilities, transportation, drainage conditions, traffic, or other public services. There are no new public improvements that will be built with this development other than a sidewalk extension across the frontage of the property—also beneficial to the neighborhood.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Jon Dobosiewicz. In the absence of any additional comments that may be addressed at Committee, the Department is recommending suspension of the Rules of Procedure and final action this evening.

In response to questions from Jerry Chomanczuk regarding the intended use of the property by the school system, Ron Farrand of Carmel/Clay Schools stated that currently, there are no plans for the property. The ground was made available and is contiguous to school property; it seems prudent to purchase the property.

Dianna Knoll moved to suspend the Rules of Procedure, seconded by Jerry Chomanczuk, Approved 8-0.

Dianna Knoll made formal motion to approve **Docket No. 04040038 SP, The Gray Estate, Lot 1**, seconded by Stephanie Blackman, **APPROVED** 8-0.

2h. Docket Nos. 04030043 Z:

Dixie Highway Addition, lot 2 (pt) - Yang Health Center

The applicant seeks to rezone approximately 0.2 acres from R-3/Residence to B-1 Business. The site is located at 10640 N College Ave and is within the Home Place Business District Overlay.

Filed by Dennis Lockwood of Mark Swanson Associates, Inc.

NOTE: Item 2i. under Old Business, (Docket No. 04030044 DP/ADLS, Yang Health Center.) was heard simultaneously with Docket No. 04030043 Z.

Dennis Lockwood, architect with Mark Swanson Associates appeared before the Commission representing the applicant. Mark Swanson was also in attendance.

The rezone petition for the property at 10640 North College is located just north of the intersection of 106th and College Avenue, within the Home Place Business District Overlay. The property is bounded by business to the south, duplex residential to the north and west, and the Clay Township Government Center to the east.

The property is currently zoned R-3 Residential, and the rezone request is to B-1/Business. The

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business classification would be consistent with the property to the south and also consistent with the intent of the Home Place Business District.

The DP/ADLS and the rezone were reviewed by Special Study Committee on June 1st.. At that time, the Committee requested some options regarding elevation and color selection. The floor plan has not changed; the elevation facing College Avenue has been revised to allow for a gable extension over the existing porch area to somewhat unify the front elevation. The building sign is to be located on the east elevation above the windows and the gable to reduce the emphasis of the phone number and provide more emphasis to the name of the building.

Members of the public were invited to speak in favor of or opposition to the petitions; no one appeared and the public hearing was closed.

Department Reports, Jon Dobosiewicz. The rezone and the Development Plan were presented to the Plan Commission for public hearing on May 18, 2004. There was a “glitch” in the notice for Rezone, and that is why this item is on the Agenda for public hearing this evening. The Department is requesting that the Commission suspend its Rules of Procedure and perhaps take final action on the Rezone petition this evening and forward to the City Council with a positive recommendation.

On the DP/ADLS, the changes presented were discussed and negotiated at the Committee level, and the Committee has forwarded a favorable recommendation on both the Rezone and the DP/ADLS to the Commission. At this time, the DP/ADLS item would be appropriate for final action—no suspension of the Rules of Procedure is necessary.

Jerry Chomanczuk reported for the Special Study Committee. The petitioner has cooperated on several levels, particularly with the design of the building and the color. The original design proposed a blue accent color—that color is now a standard white. The Department voted 4-0 in favor.

Dianna Knoll moved to suspend the Rules of Procedure in order to vote on Docket No. 04030043 Z, Yang Health Center this evening, seconded by Mark Rattermann, Approved 8-0.

Jerry Chomanczuk made formal motion to forward **Docket 04030043Z Yang Health Center**, to the City Council with a **positive recommendation**, **AND** approve **Docket No. 04030044 DP/ADLS, Yang Health Center**, subject to final adoption of the Rezone by the City Council; seconded by Madeleine Torres and **APPROVED** 8-0.

**3h. Docket No. 04040042 DP Amend/ADLS Amend:
Clarian North Hospital Expansion**

The applicant proposes a hospital building expansion to the north. The site is located on the northwest corner of 116th Street and US Highway 31. The site is zoned PUD/Planned Unit Development within the US 31 Overlay Zone.
Filed by Joseph Scimia of Baker & Daniels for Clarian Health Partners, Inc.

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4h. Docket No. 04040041 DP/ADLS: Bauer Commercial Park- Tom Wood

The applicant proposes a automotive inventory parking lot. The site is located at the southeast corner of Bauer and Marie Drives. The site is zoned B-3/Business.

Filed by Larry Lawhead of Barnes & Thornburg.

Note: Stephanie Blackman was recused from discussion and voting on this item.

Larry Lawhead, attorney with Barnes & Thornburg, offices at 8900 Keystone Crossing and 11 South Meridian Street appeared before the Commission representing Wood Land LLC. Michael Huff, engineer was also present.

Wood Land is owner of a 2.9 one-acre parcel located at the intersection of Marie Drive and Bauer Drive. Mr. Wood intends to use the property as a vehicle storage area. The site is east of Keystone Avenue and directly north of the Mercedes Auto Dealership.. The Pontiac/Acura dealership is to the southwest and west, Enterprise Leasing is directly west of the site, a self-storage facility to the northwest, and next door is an additional area for the Mercedes dealership. The Indiana Basketball Academy is to the northeast and there are commercial buildings to the east and southeast.

The proposed use is a storage area for the automotive uses of Tom Wood's dealerships in the immediate area. The site will be a site to accept delivery of new cars and is designed to accommodate car carriers to simplify and arrange for off-loading on-site as opposed to being on the road. There are two curb cuts—one along Marie Drive, one along Bauer Drive, and the purpose is to make it simple for car carriers to get in and out and is designed with the car carrier size in mind.

The site is NOT open to the public—it is not a display area for a dealership, it is an area to accept and store cars. There is no signage proposed and no lighting. There is, however, a retention pond on site. Landscaping plans have been submitted to the Department; the plans are in conformance to the Ordinance, and no variances are requested.

Pursuant to the request of the Department, the petitioner has submitted detail on the fence. The fencing, pursuant to the request of TAC, is 6 feet tall, galvanized wire fencing, fused and bonded with black vinyl coating. The fusing provides for a more durable, longer life and a higher quality of fence for the area. The gates are electric and designed for safety access by the Carmel Fire Dept. In response to correspondence with adjoining property owners, three telephone calls and three concerns were received.

Drainage. The plans provide for a retention pond; the pond will actually improve drainage in the area.

Parking off-site. A neighboring resident was concerned about persons parking on their property and trying to walk over and look at the cars on the weekends. A fence around the entire site will prevent this from happening.

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Site lines. A neighboring resident was concerned that his property would be hidden by possible signs or buildings. There are no additional issues at this time.

Mr. Lawhead concluded by saying that the proposal meets the Ordinance in all respects, all TAC issues have been addressed, and there are no additional concerns of adjoining property owners.

Remonstrance/Unfavorable:

Daniel Andres, 3595 East 98th Street, was concerned with traffic/test drives through his residential street when cars are in for serve checks.

The public hearing was then closed.

Rebuttal: Mr. Lawhead responded that this facility would not be open to the public, it would generate very low traffic, there will be car carriers, but they are designed to be off-loaded on their site—there should be very minimal impact—this is not a dealership.

Department Report, Jon Dobosiewicz. The petitioner has addressed the concerns of the Department through detail on the fence material. The Department recommends that this item be sent to the Special Study Committee on July 6 for further discussion.

Jerry Chomanczuk asked about possible sign violations on site; Mr. Lawhead declined any knowledge except for one sign that has been corrected.

Jon Dobosiewicz said the Department would look into the situation and report to the Committee.

Jerry Chomanczuk was also concerned as to whether or not the roads in this area are designed to handle heavy traffic such as large delivery trucks—car carriers.

Mr. Lawhead said the area is being designed to accept the car carriers. It is a safety issue. The entire design allows for delivery off the main road and that is preferred.

Mark Rattermann asked about parking bumpers around the perimeter and if so, what is the distance between the bumpers and the fence? Also, will the proposed area be utilized in connection with the current site due east from the Harley Davidson store? Mr. Lawhead's response was affirmative. Mr. Lawhead deferred to Mike Hoff, Falcon Engineering regarding the parking bumpers.

Mike Hoff explained that the entire site is curbed and there will be no car bumpers on the lot—the curbs are setback at least 14 feet from the fence (on the inside.)

Leo Dierckman asked if the Committee would review the possibility of inclusion in the policies and procedures for employees not to take test drives north into the residential areas.

Docket No. 04040041 DP/ADLS, Bauer Commercial Park, Tom Wood was referred to the **Special Study Committee** for further review on July 6, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

Note: Dan Dutcher entered the meeting in progress at this time.

5h. Docket No. 04040040 DP/ADLS: Carmax, Lot 2 - Steak n Shake

The applicant proposes a restaurant with a drive-thru. The site is located on the northwest corner of 96th Street and Gray Rd. The site is zoned B-3/Business. Filed by Mark Monroe of Drewry Simmons, Pitts & Vornehm.

Mark Monroe, attorney with Drewry Simmons, Pitts & Vornehm, 8888 Keystone Crossing, Indpls., appeared before the Commission representing the applicant. Also in attendance: Michael Crowley, Assistant General Counsel with Steak 'N Shake; Jake Kameier, Sr., Construction Project Administrator; and Jamie Shinamen, Project Engineer with Weihe Engineers.

The proposed restaurant is located at the northwest corner of 96th Street and Gray Road. To the north and west is the Carmax Auto Dealership parking lot; to the east is Martin Marietta gravel mining operation; to the south and across 96th Street in Marion County are two strip shopping centers and other related out-lot operations.

The site and landscape plan has been filed with the Department of Community Services and provides for an approximate 4400-square foot restaurant with adequate parking and landscaping. The landscaping plan has been approved by the City Forester. The drive-thru is located on the back or north side of the building.

The lighting plan and light fixture details are shown on the plan. There is no light spillage from the site in excess of the Carmel Ordinance requirement. The light fixtures will be 20 feet in height and dark bronze in color.

The restaurant design provides for stone and EFIS with a cornice element at the top of the building. A material sample board was displayed showing the colors and samples of materials to be used. As also shown in the drawings, three wall signs are included in the proposal—a Steak 'n Shake sign on the south elevation as well as the Steak 'n Shake corporate logo on the west elevation. The third sign is shown on the east elevation on the wall. Current plans are to forego the wall sign in exchange for the black and white corporate logo on the western side. A variance will be filed with the BZA to exchange the two wall signs, so, in the end, there will only be two wall signs for the restaurant.

Members of the public were invited to speak in favor or, or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Jon Dobosiewicz. As indicated by the petitioner, all TAC concerns have been addressed. The Department did want to have the Plan Commission enter some discussion regarding the location of the dumpster enclosure. Based on the proposed site layout, the location proposed by the petitioner may be the most appropriate. However, the Department felt that some

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additional discussion and/or renderings supplied by the petitioner would provide more detail in how the dumpster would be treated in both landscaping and matching the building elevations would be appropriate in view of its location between the building and Gray Road.

An additional comment regarding the proposed sign on the west elevation: The Department felt that more attention to detail should be paid in the design of the sign in order to provide something more than a “plastic face within a metal cabinet.” From the pedestrian perspective, it should be more highly designed than proposed.

Stephanie Blackman questioned the lighting for the signage. Mark Monroe responded that the red “Steak ’n Shake wall sign is internally illuminated; there is no outside light source.

Mark Rattermann said he had “serious concerns” regarding ingress/egress on this particular site. Access westbound on 96th is right in/right out only. Mark was concerned about “U-turns.” This is a high traffic volume restaurant. There is no crossover access from 96th Street. There will be no traffic light on Gray Road north of 96th to funnel traffic onto the access road to go to the restaurant—it is close proximity to the traffic light at 96th and Gray.

Jon Dobosiewicz confirmed that 96th Street has a raised median. Traffic eastbound would turn onto Gray Road and enter off the Gray Road entrance. There is no median planned for Gray Road because there are not enough drive cuts for crossing at inappropriate locations. The engineering department reviewed the development and felt it was appropriate to limit access to one location at Gray Road.

Stephanie Blackman thought that traffic is more likely to head east on 96th Street, see that they cannot cross, and then turn around in the parking lot at the strip mall on the south side of 96th Street, then back to the intersection and head west on 96th Street. Stephanie Blackman was in support of the “no curbcut on Gray Road” for this restaurant.

Jerry Chomanczuk asked the petitioner to submit more detail on the landscape plan, particularly along Gray Road—this can be reviewed at Committee.

Docket No. 04040040 DP/ADLS, Carmax, Lot 2 Steak “n Shade was referred to the **Special Study Committee** for further review on July 6, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

Note: The Committee is to especially look at ingress/egress; dumpster location; landscaping on Gray Road elevation.

I. Old Business:

1i. Docket No. 04010001 Z; Dunkerly Property - Rezone

The applicant seeks to rezone approximately 2.4 acres from R-1/Residence to B-2/Business (with restricted uses). The site is located at the northwest corner of Guilford Rd and 116th St.

Filed by Joseph Calderon of Ice Miller on behalf Mr.& Mrs. Dunkerly.

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Joe Calderon, attorney, Ice Miller; appeared before the Commission representing the applicant. Greg Small, owner's representative; and Craig McCormick, Architect were also in attendance.

This site is being treated as a gateway to Carmel and is therefore something unique in design. The applicant is aware of a number of roadway improvements proposed on 116th Street and Guilford. The petitioner has appeared before Special Study Committee two or three times, and the plan has been refined—both from the site plan and from building design standpoint.

Commitments have been made and are on file with the Department. The commitments reflect and address the Department's Report. The project is something that the City can be proud of as well as its citizens as one travels north from 116th on Guilford.

From a design standpoint, the buildings have been pulled forward, a pedestrian friendly situation has been created with wide sidewalks above 116th and Guilford, and at the corner, a two-story element has been added. The development contains both two story and one-story buildings as well. This development is still a work in progress, however the commitments provide that the base line site plan and elevations will serve as a template for the ADLS and Development Plan approval process.

Stephanie Blackman reported for the Committee. The petitioner started out with a very different product. The petitioner has been very cooperative in making changes in design of the building and moving the parking to the rear. The Committee voted unanimously to recommend approval.

Department Report, Jon Dobosiewicz. The petitioner is to be commended in working with the Department and the Committee to come up with the current design. The Department is willing to make a recommendation to forward this to the City Council with a favorable recommendation. The amended commitments have been reviewed previously and are confident that they reflect the changes requested by the Department.

Dianna Knoll made formal motion to **forward Docket No. 04010001 Z, Dunkerly Property Rezone to the City Council with a favorable recommendation**, seconded by Mark Rattermann, **APPROVED 9-0.**

2i. Docket Nos. 04030044 DP/ADLS: Yang Health Center

The applicant seeks approval of a building addition. The site is located at 10640 N College Ave and is within the Home Place Business District Overlay.
Filed by Dennis Lockwood of Mark Swanson Associates, Inc.

Note: Heard with item 2h., Docket No. 04030043 Z, Dixie Highway Additional, lot 2 (pt) Rezone for Yang Health Center.

Approved Subject To City Council Approval of companion Docket No. 04030043 Z.

3i. Docket No. 04030046 DP Amend/ADLS Amend:

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Carmel Industrial Park - Engineered Cooling Systems

The applicant proposes a building addition and additional parking. The site is located at 201 West Carmel Dr. The site is zoned I-1/Industrial.

Filed by Mark Swanson of Mark Swanson & Associates, Inc.

Mark Swanson and Dennis Lockwood, architects with Mark Swanson & Associates appeared before the Commission representing the applicant. The petitioner proposes a 5,420 square foot addition to the building and additional parking spaces. The petitioner appeared before the Special Study Committee on June 1st and received a favorable recommendation. At this time, Mr. Swanson asked for a favorable recommendation as well.

Committee Report, Jerry Chomanczuk. The petitioner addressed all of the issues on the expansion and there are no outstanding issues. There was a commitment made by the petitioner to clear storage items from the fence area. The proposed storage silo was an initial concern, and various sight-lines were presented showing the impact to be minimal. The petitioner made a commitment that the silo would be painted the same color as the building. The Committee voted 3-1 in favor.

Department Report, Jon Dobosiewicz. The Department is recommending approval of this petition, as amended.

Jerry Chomanczuk made formal motion to approve **Docket No. 04030046 DP Amend/ADLS Amend, Carmel Industrial Park, Engineered Cooling Systems**, subject to commitments as aforesaid, seconded by Rick Ripma, **APPROVED** 9-0.

4i. Docket No. 04040016 DP -Carmel Science and Technology Park, Blk 11, lots 2-4

The applicant seeks to construct a street and three commercial lots. The site is located just southwest of the intersection of Carmel Dr and Guilford Ave. The site is zoned M-3/Manufacturing Park District.

Filed by Mark Monroe of Drewry, Simmons, Pitts & Vornehm for REI Investments.

Mark Monroe, attorney, Drewry, Simmons, Pitts & Vornehm, 8888 Keystone Crossing appeared before the Commission representing REI Investments and its Development Plan application for Carmel Science & Technology Park, Block 11.

The petitioner appeared at the June first Special Study Committee and received a unanimous positive recommendation. The Department Report mentions a letter to the City Engineer regarding right-of-way dedication; this letter has been prepared and submitted to the City Engineer.

Mike McBride, City Engineer, has approved the right-of-way dedication and the petitioner is making the letter a part of the Development Plan approval. The letter has also been filed with the DOCS staff.

Jerry Chomanczuk reported on behalf of the Special Study Committee. There were concessions made by the petitioner and agreement finalized on this particular parcel. The vote was unanimous for approval.

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Department Report, Jon Dobosiewicz. REI has made commitments regarding road improvements on Guilford Avenue and Carmel Drive. REI will donate additional right-of-way at no expense to the City on the south side of Carmel Drive and on the west side of Guilford Avenue. The City Engineer has agreed to support an application to the Board of Public Works to allow the existing sign to exist within the new right-of-way. The Department is recommending that the Plan Commission approve the petition as amended. Note: This petition only establishes the Development Plan that allows for a cul-de-sac to be constructed with access onto Carmel Drive and establishes future lots.

Mark Monroe distributed copies to the Commission members of the letter agreement between the City and the applicant and summarized it for the benefit of the public.

Jerry Chomanczuk made formal motion to approve **Docket No. 04040016 DP, Carmel Science & Technology Park, Blk 11, lots 2-4**, seconded by Dianna Knoll and **APPROVED 9-0**.

J. New Business

1j. Docket No. 04040008 ADLS: Clay Terrace, Bldg G1

The applicant seeks approval of a retail building. The site is located southwest of US Highway 31 and E. 146th Street. The site is zoned PUD-Planned Unit Development.

Filed by Fred Simmons of Simmons & Associates.

Note: Mark Rattermann was recused from discussion and vote

Fred Simmons, architect, Simmons & Associates appeared before the Commission representing Clay Terrace. Also in attendance was Joe Downs of the Lauth Group.

The proposed building is a multi-tenant building that will have the same characteristics and architectural style as the balance of the project. At the extreme south end of the development will be a bank facility, and the other tenants are not yet known.

The architectural style, lighting, landscaping, etc. are consistent with the overall development.

Department Report, Jon Dobosiewicz. This item was presented to the Special Study Committee as an informational item. This item does not require final action by the Commission—it is a non-public hearing item and can be approved this evening and that is the action recommended by the Department.

Jerry Chomanczuk reported that the Committee had reviewed the proposed changes at the last meeting. Most of the changes were found to be in character with the entire project. This particular building is located on the southern corner, almost at the entry way to Clay Terrace. There was an initial concern that this facility does not look like a bank that would fit just anywhere. However,

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the design and materials will blend in with the overall project. The Committee unanimously approved the ADLS.

Jerry Chomanczuk moved for approval of **Docket No. 04040008 ADLS, Clay Terrace, Building G1, (Informational Item)** seconded by Dianna Knoll and **APPROVED** 8-0.

There being no further business to come before the Commission, the meeting was adjourned at 8:20 PM.

Leo Dierckman, President

Ramona Hancock, Secretary